Remarks

This amendment is in response to the Office Action dated September 1, 1998. Claim 1 has been canceled without prejudice. Claims 15-26 are added to further claim the applicant's invention. Claims 15, 17, and 18 are independent claims. New independent claim 15 replaces claim 1. Claims 2-14 have been amended to depend from the new independent claim 15. Claims 2-26 are now pending in the application.

Figures 4 and 5 and their corresponding descriptions on pages 9-11 provide support for the new claims. No new matter has been added. Applicants submit claims 15-26 are allowable as written and request early favorable action by the Examiner.

The Office Action rejects Claims 1-14 under 35 U.S.C. § 112, second paragraph, for various informalities. Amendments to claims 6, 8, and 10 correct the informalities noted for these claims. Further, the noted informalities regarding claim 1 are moot because claim 1 has been canceled. Nonetheless, the newly added claim 15, which replaces claim 1, avoids those informalities noted for claim 1. Thus, the applicant submits that this amendment overcomes this basis of rejection.

Claims 1-14 stand rejected under 35 U.S.C. § 102(e) as unpatentable over Filepp et al. (USPN. 5,758,072). Because claim 1 has been canceled, the applicant respectfully traverses this rejection with respect to the new independent claim 15 and dependent claims 2-14. The applicant submits that the amendment overcomes this rejection because Filepp does not disclose every element and limitation of the applicant's invention as now claimed.

The applicant's new claim 15 recites, in part, a system for delivering contents to a client system. The system includes a service provider and software transmitted to the client system from the service provider. The software ascertains demographic information regarding the client system when the client system executes the software. The service provider determines the contents to be delivered to the client system in response to the demographic information ascertained by the software.

In contrast, Filepp discloses a system architecture having partitioned applications stored on a server from which a reception system can request particular application partitions as needed. Thus, only those partitions of an application relating to the currently needed functionality are loaded by the recipient system at any one time. The reception system may even use user demographics to reference a particular application partition.

Filepp, however, does not disclose software <u>transmitted by a service provider</u> to the client system that ascertains demographic information regarding the client system, as set forth in the applicant's claimed invention. In Filepp, the software for determining user demographics does <u>not</u> originate with a service provider, but rather is already native to the reception system. The following chain of references to Filepp makes this evident:

- The reception system 400 has several layers of software (col. 77, line 55);
- The software layers include "<u>native</u> software 420" that is expressly distinct from the "partitioned application" (col. 77, lines 56-61);
- This native software 420 has two partitions: "service software 430" and "operating environment" (col. 77, lines 63-66);
- The service software 430 includes a data collection manager 431 (col. 78, lines 55-59); and
- The data collection manager determines the demographics of the user (col. 88, lines 28-38).

These references show that Filepp's application partition is <u>not</u> the software that determines user demographics and that any software for determining user demographics is already resident on the reception system as native software. Because Filepp does not disclose software transmitted by a service provider to the client system for ascertaining demographic information of that client system, as set forth in the applicant's claimed invention, Filepp cannot render the applicant's invention unpatentable under 35 U.S.C. § 102(e).

Moreover, Filepp does not even teach or suggest transmitting the software for ascertaining demographic information from the service provider to the client system, as
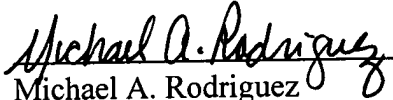
set forth in the applicant's claimed invention. To the contrary, in Filepp the collection of

user demographics is so closely tied to a user's log-on process on the reception system

that the data collection software needs to be resident on the reception system to

effectively record the user's activities as soon as the user logs on (col. 88, lines 17-18).

The applicant submits that claims 2-14 are allowable as amended and the new

claims 16-26 are allowable as written for at least those reasons provided for claim 15.

If the Examiner believes that a telephone conversation with Applicant's agent

would expedite prosecution of this application, the Examiner is cordially invited to call

the undersigned agent of record.

Respectfully submitted,

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